United Nations S/2006/163

Security Council

Distr.: General
14 March 2006

Original: English

Sixth report of the Secretary-General on the United Nations Operation in Burundi

I. Introduction

1. By its resolution 1650 (2005) of 21 December 2005, the Security Council extended the mandate of the United Nations Operation in Burundi (ONUB) until 1 July 2006. In that resolution, the Council requested me to consult with the Government of Burundi to determine the modalities for implementing a gradual disengagement of the United Nations peacekeeping presence and an adjustment to its mandate on the basis of the recommendations contained in the letter from the Government of Burundi to the President of the Security Council dated 23 November 2005 (S/2005/736). It also authorized, subject to certain conditions, the temporary redeployment of military personnel among ONUB and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The present report provides an update on developments since my previous report dated 21 November 2005 (S/2005/728), and, as requested by the Government of Burundi, outlines a drawdown plan for ONUB's military and police personnel, as well as recommendations for adjustments to the mission's mandate.

II. Developments on the ground

2. The Government has taken further steps to consolidate its authority. All key executive appointments have been made and key legislation was adopted. Disarmament and demobilization proceeded broadly on schedule, and progress was made in disbanding militias. The Government also took steps towards addressing the daunting socio-economic problems faced.

3. Nevertheless, significant challenges remain and the situation is fragile. No progress was achieved towards a negotiated resolution with the Palipehutu-Forces nationales de libération (FNL) and an intensification of the confrontation with FNL contributed to a deterioration of the human rights and humanitarian situation in the west. Advances towards the much-needed security sector reform and reintegration of former combatants have been slow. The provision of public services remains severely impeded by a weak public administration and budgetary constraints. The reporting period was also marked by increased food shortages and a reverse trend in the movement of refugees, with over 6,000 Burundian refugees seeking shelter in the United Republic of Tanzania.

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Activities of the elected institutions

4. Over 60 presidential decrees were issued on the appointment of senior Government officials. Constitutionally mandated ethnic and gender quotas were generally respected. Nine out of 37 laws presented to the Parliament were adopted during its first session, which ended in December 2005. To expedite the processing of key legislation, President Pierre Nkurunziza convened an extraordinary parliamentary session in January, during which four bills on the status of National Defence Force and the Burundi National Police personnel as well as the intelligence services, together with an anti-corruption bill were adopted. A regular parliamentary session began in February.

5. In December, President Nkurunziza announced the Government's priorities for 2006, including economic recovery, reconstruction, reconciliation, governance, trade, education and environmental protection. The President reiterated his commitment to resolving the issues of prison overcrowding and political prisoners and to combating corruption and mismanagement. He pledged to strengthen the capacity of the security sector, to reorganize judicial institutions, to disarm civilians and to reintegrate returnees and former combatants. A reduction of taxes on basic imported food items was also announced and subsequently implemented.

6. The Government is finalizing the poverty reduction strategy paper, scheduled to be approved by the end of March. It will thereafter be reviewed by the International Monetary Fund (IMF) and the World Bank for endorsement, a requirement for Burundi to continue benefiting from debt relief through the Heavily Indebted Poor Countries Initiative. In view of the timeline envisaged for the finalization of the poverty reduction strategy paper process, the Government developed a one-year bridging emergency programme for 2006, which was presented to a donor conference held at Bujumbura on 28 February. The programme focuses on addressing the needs of the drought-affected population, improving education and health services, return and settlement of refugees and displaced persons, governance, rule of law and budget support. Donors responded very positively, with $170 million pledged during the conference. The European Union was the largest contributor committing some $50 million. The emergency programme is compatible with the United Nations consolidated appeals process.

7. The President presented the Government's five-year programme to Parliament in December. While it is broadly based on the poverty reduction strategy paper priorities, the Government is expected to engage with development partners to ensure coherence between the different recovery and development initiatives.

8. In December, Parliament approved the national budget for 2006 totalling $417 million. The budget is linked to the poverty reduction strategy paper priorities and envisages an increase in funding for health, education, public investment and wages, while reducing slightly the security sector allocation. External financing for the budget is currently estimated at $341 million for 2006. Taking into account external programme financing and debt relief under existing mechanisms, the budget gap is estimated at $21 million. The World Bank, IMF and other donors are scheduled to discuss corrective measures with the Government in March.

9. Steps have also been taken to address the issue of political prisoners and prison overcrowding. Following the appointment of a commission to identify political prisoners, the President announced in December the conditional release of

all prisoners detained for more than two years without charge, and those who had served at least a quarter of their sentence (with the exception of those who had committed serious crimes). A presidential decree was issued granting provisional immunity to all political prisoners who had been identified by the commission and 1,457 detainees were subsequently released.

10. While the release of political prisoners involved in the 1993 crisis and its aftermath is provided for in the Arusha Peace and Reconciliation Agreement for Burundi of 2000, the decision raised serious concerns among political parties and human rights organizations over the lack of transparency in the work of the Commission, in particular regarding the criteria on which the releases were based. Concerns were also raised regarding the lack of preparation of the communities to which detainees would return. The Government has since launched a sensitization campaign to explain its decision on political prisoners and to promote reconciliation in their communities.

11. It should also be noted that some parties, including the Front pour la démocratie au Burundi (FRODEBU) and the Unité pour le progrès national (UPRONA), have expressed concern over what they believed was the Government's lack of full compliance with constitutional requirements regarding party representation in Government, insufficient participation in the executive decision-making process, as well as the Government's firm position towards FNL.

Burundi Partners' Forum

12. In December, the membership of the Burundi Partners' Forum was expanded to include all international representatives accredited to Burundi. On 2 February, the Forum agreed on its terms of reference, which provided for assistance to the Government and advocacy for international resource mobilization. The Government's 2006 emergency programme, the five-year development plan and the poverty reduction strategy paper were taken into account in that regard.

13. In a meeting convened on 10 February with Forum members, the Minister of External Relations and International Cooperation expressed the Government's serious reservations regarding the proposed mandate of the Forum, which was considered to be duplicating certain functions of the Government, particularly those of the National Committee for Aid Coordination, established in December 2005. In view of the Government's reaction, Forum members agreed that the Forum would be developed into a flexible framework for the exchange of views among international partners on issues related to peacebuilding, development and the consolidation of peace in Burundi.

Regional dimension

14. During the Security Council meeting on the Great Lakes region, held on 27 January 2006, the Minister of External Relations and International Cooperation stated that Burundi and its neighbours were committed to the principles of peace, security, and development in the region. In pursuit of those goals, Burundi, Rwanda and the Democratic Republic of the Congo requested that the international community declare the region a priority for peace and development and that a special fund be established for regional reconstruction.

15. The Subcommission on Security and Defence of the Tripartite Plus Joint Commission (Democratic Republic of the Congo, Rwanda, Uganda and Burundi) met in Kinshasa on 30 January to discuss the terms of reference for the Tripartite Fusion Cell. The Cell, which was subsequently established in Kisangani, will serve as a mechanism for information-sharing on armed groups operating in the eastern part of the Democratic Republic of the Congo and improved border security, and will include analysts from the Commission's four member States, with support from ONUB and MONUC.

16. Burundi will join the East African Community (EAC) at the EAC summit meeting in March. This will improve Burundi's prospects in trade, security and political cooperation. Burundi is expected to follow a gradual entry, as it continues to develop and reform its economic legislation in line with EAC standards.

III. Security situation

17. Following an assessment carried out in December, the provinces of Cankuzo, Gitega, Karuzi, Kayanza, Kirundo, Makamba, Muramvya, Muyinga, Mwaro, Ngozi, Rutana and Ruyigi were reduced from United Nations security phase three to phase two, allowing for greater access and freedom of movement for humanitarian actors in those areas. Bururi province and Cibitoke city were reduced from phase four to phase three. Owing to the ongoing military confrontations with FNL, Bubanza, Bujumbura Rural and Cibitoke remained at phase four.

18. In the meantime, criminality has risen throughout Burundi, with widespread incidents of armed banditry, intimidation, looting and sexual violence. The national midnight curfew remains in force and movement, especially on major routes between Bujumbura and the provinces, continues to be restricted.

19. Border security remained an issue of concern due to the prevalence of cross-border illicit activities, including looting and arms smuggling, reportedly committed by FNL, the Forces démocratique de libération du Rwanda and other groups. However, tactical coordination between the National Defence Force and the Armed Forces of the Democratic Republic of the Congo was further developed, in particular with regard to border monitoring, including the handover of several FNL combatants to the National Defence Force and one Forces démocratique de libération du Rwanda element to the Armed Forces of the Democratic Republic of the Congo during the reporting period. Monitoring on these borders is expected to be strengthened with the recent deployment of an additional brigade of the Armed Forces of the Democratic Republic of the Congo.

IV. Key challenges to the consolidation of peace

A. The FNL aspect

20. Comprehensive peace will continue to elude Burundi as long as FNL remains militarily active and outside the peace process. The intransigent armed group has to date not demonstrated the political will to engage in good faith in any of the meaningful efforts to end the conflict over the past decade.

21. Despite numerous efforts by the Government of the United Republic of Tanzania to facilitate negotiations, no progress has been achieved on this track. In December, the FNL spokesman announced that FNL was prepared to enter into talks with the Government of the United Republic of Tanzania regarding negotiations with the Government of Burundi. On 16 January, the Government of the United Republic of Tanzania confirmed that FNL had requested that it facilitate meetings with the Government of Burundi. However, on 27 January, and following the adoption of Security Council resolution 1653 (2006), President Nkurunziza announced that the deadline established by the Government for negotiations had passed and that FNL would now be treated as a "regional security issue" rather than an internal Burundian matter. The same message was conveyed by the Minister of External Relations and International Cooperation at the Security Council meeting on 27 January. The Government has since reiterated that the deadlines it had set for negotiations with FNL had expired, and the opportunity for a political solution had ended. It has however maintained that the disarmament, demobilization and reintegration process remained open to any FNL member.

22. In the meantime, the Government intensified its military campaign against FNL, resulting in a deterioration of the security situation in Bujumbura, Bujumbura Rural, Bubanza and Cibitoke. Hundreds of individuals accused of being FNL combatants or collaborators have been arrested or detained. The National Defence Force also reportedly carried out aerial strikes against FNL in the Rukoko Forest on the border with the Democratic Republic of the Congo.

23. FNL has continued to carry out military attacks and atrocious acts of violence, including against Bujumbura. In what could be a change in tactics, attacks on the National Defence Force positions have somewhat decreased, with an increase in criminal activities attributed to the armed group, including armed robberies, targeted killings, mutilations and abductions, in particular against individuals accused of collaborating with the National Defence Force, as well as demobilized former Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) combatants.

B. Disarmament, demobilization, and reintegration

24. The disarmament and demobilization of former combatants has proceeded with support from international partners and ONUB. As of 22 February, 16,724 adult combatants, including 482 women and 3,015 child-soldiers, had been demobilized. With the demobilization of 7,332 members of the National Defence Force, the Government has achieved the target of a 30,000-member force, securing the disbursement of budget support from the European Commission and France, which had conditioned the provision of the funding on that benchmark being met. Further downsizing of the National Defence Force by an additional 5,000 personnel, in accordance with the Government's declared demobilization policy, is expected to be completed by the end of 2006.

25. In December, ONUB destroyed unserviceable ammunition collected through the disarmament process during a public ceremony organized by the Government and ONUB. The destruction of arms and ammunition to be decommissioned from the Government's stocks is expected to begin later in 2006.

26. With support from the World Bank, 96 per cent of former combatants received reinsertion allowances for the first 18 months following their demobilization. However, the delivery of longer-term economic reintegration assistance, including micro-projects, vocational training and apprenticeships, has been seriously delayed. As of December 2005, only 1,995 former combatants had received reintegration assistance and a further 3,300 were receiving it under the national programme. The National Commission for Disarmament, Demobilization and Reintegration estimates that an additional 9,000 former combatants will benefit from such assistance in 2006 and that the programme will continue through 2007. The difficult socio-economic environment in which the individuals are expected to resume civilian life will make the reintegration process very challenging.

27. Despite initial delays, the dismantling of militias is now proceeding satisfactorily. To date, 10,059 *gardiens de la paix* and 5,029 *militants combattants* have been disbanded. The remaining 14,213 members of the militias are scheduled to be disbanded by mid-2006.

C. Security sector reform

28. In November, the National Defence Force began basic training on core military duties at the company level. Two presidential decrees were issued in January on the restructuring of the Ministry of Defence and the establishment of a single military court, and legislation has been adopted on the status of personnel in the security services. A task force has also been established to address the remaining ethnic imbalances within the National Defence Force at the battalion and brigade levels, which is expected to complete its work by mid-2006.

29. However, there has been no progress towards the development of a comprehensive framework for security sector reform, an essential element in developing sustainable and professional security forces under civilian control. Both the National Defence Force and the National Police continue to suffer from operational weaknesses owing to a lack of basic and specialized training, as well as a severe lack of essential equipment, logistics and infrastructure. Operational effectiveness and credibility have been seriously affected by the significant number of human rights violations and common crimes committed by the National Defence Force, the National Police and the intelligence services. While those have increased in the context of the conflict with FNL, weaknesses in command and control are also contributing factors.

30. The Burundian authorities have yet to reach consensus on the scope of reforms, including the promotion of a culture of good governance and transparent management in the security sector. Further structural and budgetary reforms, based on national security needs and a threat assessment, as well as the implementation of a comprehensive training programme, will be critical for the professionalization of the security forces.

31. The completion of security sector reform will be a long-term undertaking, requiring sustained commitment and coherent support from the Government and international partners. This also includes the provision of accommodation, equipment and sustainment, while also meeting longer-term requirements yet to be identified.

32. In addition to the general institutional and operational constraints of the security sector, it should be recalled that the National Police is a newly assembled force, which is severely hindered by the lack of professional standards and a culture of excessive use of force and corruption. Those problems are exacerbated by a serious lack of resources.

D. Return and reintegration of refugees and displaced persons

33. During the reporting period, the rate of return of Burundian refugees from the United Republic of Tanzania decreased significantly. The Office of the United Nations High Commissioner for Refugees (UNHCR) facilitated 5,409 and 1,250 returns in November and December 2005, respectively, bringing the total number of refugee returns to 68,000 during 2005. However, in January and February, only 428 and 1,319 returns were registered.

34. This decline was attributed to several factors, including the precarious security situation, food insecurity in the northern and eastern provinces, increased human rights abuses and inadequate infrastructure and public services, as well as conflicts over access to land. These problems have also resulted in an outflow of more than 6,000 Burundians to the United Republic of Tanzania since November, including many new returnees. Since October, the return of displaced persons to their places of origin has also been minimal.

E. Regional concerns

35. The Government has continued to strengthen relations with neighbouring countries, leading to better coordination on such issues as border security and movement of refugees and asylum-seekers. However, the volatile situation along the borders with the Democratic Republic of the Congo remains a significant threat to stability. In this regard, there are continued reports of collaboration between FNL and Congolese and foreign armed groups, and the illicit cross-border movement of arms and combatants has also continued unabated. With the recent increase in operations of the Armed Forces of the Democratic Republic of the Congo against these armed groups, there is a serious concern that some of the armed groups may try to move into Burundi. There are also concerns that major military activities in the eastern part of the Democratic Republic of the Congo could cause large movements of refugees into Burundi. Security along the borders with Rwanda and the United Republic of Tanzania also requires strengthening.

V. Other major challenges

A. Human rights and transitional justice

36. The human rights situation deteriorated noticeably in the western provinces as a result of the Government's intensified military campaign against FNL. ONUB documented serious human rights abuses, principally implicating the national security forces, including summary executions, arbitrary arrests and detentions, torture and ill-treatment, mainly of individuals suspected of supporting FNL. While some steps have been taken to prosecute those responsible for non-political human

rights violations, abuses in relation to the conflict with FNL continue to be committed with impunity. ONUB and human rights organizations regularly discuss the most serious human rights cases with the national authorities but steps have yet to be taken to prosecute those responsible. It should be noted however that President Nkurunziza recently warned that actions would be taken against all military personnel responsible for abuses.

37. Hundreds of suspected FNL combatants or supporters, including local administrative officials and FRODEBU supporters, remain detained, many arbitrarily. Credible testimonies from numerous detainees held by the intelligence services before their transfer to police cells indicate that they were tortured during interrogation. From October to late November, access to those detainees was denied, including by judicial officials. Following complaints by human rights organizations, human rights monitors were given access to most detainees, and the National Police expedited investigations of cases to facilitate legal proceedings. However, the monitoring of the detention of persons by the National Defence Force and intelligence services remains hindered by the lack of access to their installations.

38. Human rights organizations and ONUB expressed serious concerns about the public displays on 15 December 2005 and 2 February 2006 of several hundred individuals arrested for different reasons, including for alleged FNL collaboration. The acts were a serious violation of the rights of the individuals, none of whom had been formally charged and some of whom were released days later.

39. ONUB has intensified its campaign against sexual violence, which remains prevalent in the country. It participated in the international annual campaign against sexual violence in late 2005. This event, organized by the Government, highlighted the need for immediate medical care for rape victims and the importance of tackling impunity by reporting rape cases. ONUB also continued to work with partners to discourage the settlement of rape cases out of court.

40. Another key challenge is incorporating human rights in the training of the security forces and civilian officials responsible for the protection of human rights. Ensuring respect for human rights will also depend on the comprehensive reform of the judicial system, which has yet to begin.

41. There was some progress towards the establishment of a mixed national-international truth and reconciliation commission and special chamber, which was endorsed by the Security Council in its resolution 1606 (2005). In February, the Government informed ONUB that its delegation, which was appointed in October, had completed its preparatory work and provided recommendations on an approach for the establishment of the transitional justice mechanisms. Negotiations with the United Nations on the modalities of their establishment could therefore commence. It is expected that a United Nations team, led by the United Nations Legal Counsel, will visit Burundi at the end of March for that purpose.

B. Humanitarian and development challenges

Humanitarian challenges

42. Food shortages increased during the reporting period, due to the security situation, poor rainfall, crop diseases and the high level of poverty in rural areas. According to the World Food Programme (WFP), those factors are expected to leave

2.2 million Burundians in need of food aid in 2006, a significant increase from the 1.7 million initially identified to receive food aid during that period. The worst affected areas are in northern Burundi, previously the country's breadbasket, and to which tens of thousands of returnees are expected to return. To complement WFP's emergency food aid, the Food and Agriculture Organization of the United Nations (FAO) intends to distribute seeds and tools to 150,000 households to help ensure a better harvest in June.

43. An estimated 68 per cent of the population is suffering from food insecurity. While the Government's 2006 emergency programme includes plans to improve short-term food security and to address the related longer-term challenges, concrete steps in that regard have not yet been taken.

44. International support is also urgently needed to expand community-based development projects and capacity-building programmes to improve the provision of basic services, in particular health and education. The principal humanitarian challenge in this context will be to address the immediate impact of food insecurity, while the related structural causes are addressed by the Government and its development partners.

45. In the meantime, refugee camps in the region have been attracting increasing numbers from drought-affected areas. In addition to the outward flow of Burundians to the United Republic of Tanzania, over 20,000 Rwandans have now crossed into Burundi. In December, the Government, with assistance from UNHCR, began the process of refugee status determination for the 8,262 registered Rwandan asylum-seekers. An additional 12,381 asylum-seekers have been counted but not yet registered; that number increased by 500 new applicants each week during the reporting period. The Government and UNHCR are collaborating to manage the situation upon the completion of the determination process. WFP and UNHCR are also working to coordinate food distribution on a regional basis to avert unnecessary population shifts.

Development challenges

46. The prospects for improving the precarious economic situation improved after Burundi reached the Heavily Indebted Poor Countries Initiative decision point in August and was granted access to interim debt relief. The African Development Bank also endorsed Burundi's request for Heavily Indebted Poor Countries Initiative relief in November. However, the country's external financing needs will continue to be significant and are estimated at $341 million for 2006, including $165 million for programme financing and debt relief.

47. Economic growth is expected to improve from an average of 2.5 per cent between 2001 and 2004 to about 6 per cent between 2006 and 2008. The investment-to-gross domestic product (GDP) ratio is projected to rise from 5.5 per cent in 2001-2002 to 13.3 per cent between 2006 and 2008, assuming Government finances are strengthened and domestic investment opportunities improve. Public investment in infrastructure and social sectors are also expected to increase. Nevertheless, Burundi faces significant long-term macroeconomic challenges and is expected, according to the World Bank and IMF, to remain aid dependent for the next 20 years owing to its external current account deficit. It is anticipated that Burundi will remain one of the poorest countries in the world with a forecast

average per capita GDP of less than 50 cents per day until 2024. In order for the Government to reduce poverty, a higher rate of public and private investment will be required. Major reforms will be needed in the public sector, as well as in the promotion of exports.

Land

48. Serious conflicts over land ownership and use remain a major challenge to the rural population, the productivity of the agriculture sector and the consolidation of peace. In addition to returning refugees and displaced persons who seek to reclaim land occupied by others, the situation has been exacerbated by a rapidly growing rural population, which increases the tremendous pressure on scarce land resources. Although the effectiveness of political reforms, decentralization, reconciliation and socio-economic development are likely to be diminished if the land issue is not adequately addressed, the Government has yet to identify the land issue as an urgent priority. It has, however, submitted legislation to Parliament to create a national committee for land and property, which will have the mandate to address those issues. The Government has also signalled its intention to address land inheritance rights for women, which should improve the situation of women returnees, in particular widows.

C. Governance

49. While the Government has indicated that good governance is its priority and has placed initial emphasis on the issue of corruption, limited progress has been made in other key areas, such as the judiciary and public administration. Major reform is required in the civil service and public administration, both of which continue to suffer from ethnic imbalances, limited technical capacity and a lack of resources.

50. The Government has adopted legislation on the prevention and suppression of corruption and is establishing financial control units in key ministries. Capacity-building for an internal audit in 2006 will complement the training programmes provided to new parliamentarians on analysis and control of the national budget.

51. In support of national capacity-building efforts in the area of governance, the United Nations Development Programmes (UNDP) has supported Parliament in the organization of consultations between elected officials and their constituencies, and the sensitization of parliamentarians on legislative issues. The European Commission and other partners, including ONUB, completed a training programme for communal administrators in December. Assistance to local governments and public administration is being discussed between the Government and UNDP, the World Bank, the European Commission and other donors. In this regard, communal administrations require significant organizational capacity-building to respond effectively to local needs and to produce and implement community development plans.

Judicial reform

52. There has been no progress towards achieving an independent, credible judiciary, respected by all Burundians, an essential step towards the comprehensive transformation of the judicial sector. Critically needed reforms include: addressing

ethnic and gender imbalances in the judiciary, enhancing the judiciary's independence, and developing qualified, trained and supervised judges and prosecutors. The judiciary infrastructure, in particular the prison system, also requires urgent attention.

Mines and explosive remnants of war

53. Important progress has been made in the area of mine action. As of 1 February, through the activities of the Mine Action Coordination Centre, 75 per cent of the national community survey on mines and explosive remnants of war had been completed. Twenty spot explosive ordnance disposal tasks were completed in rural areas, allowing the use of 35 per cent of agricultural land along the Tanzanian border. In addition, mine risk education was provided to some 15,000 beneficiaries in mine affected areas. Despite this progress, 15 per cent of the communes remain affected by explosive remnants of war and between 8 and 12 per cent of the population continues to live in high-risk areas.

VI. United Nations Office at Nairobi

A. Activities and first phase of withdrawal

54. It will be recalled that, in November 2005, the Government requested the withdrawal of ONUB in view of what it considered to be a significant improvement in the overall situation in the country, which it believed no longer warrants the continuation of a peacekeeping presence. The Government's position on this issue is outlined in its letter to the President of the Security Council dated 23 November 2005 (S/2005/736).

Military

55. At the request of the Government, ONUB began the drawdown of 40 per cent of its military force in December 2005, with the repatriation of a Mozambican guard company from Bujumbura. This was followed by the withdrawal of the Kenyan battalion from Makamba in February. The withdrawal of the Ethiopian battalion from Gitega and 80 military observers, and subject to Security Council approval, the possible redeployment to the Democratic Republic of the Congo of a level 2 hospital, an engineering company, and an aviation unit, is expected to take place between March and April, at which point the ONUB troop strength deployed in Burundi will stand at some 3,500. In view of the precarious security situation in the western provinces, ONUB military observer teams have, however, been reinforced in Bubanza, Bujumbura Rural and Cibitoke.

56. Between 15 November 2005 and 1 February 2006, ONUB continued to patrol throughout the country to promote confidence in the eastern provinces and to improve the security situation in the west. Despite restrictions on patrolling imposed by the Government in late 2005, ONUB continued to monitor the border with the Democratic Republic of the Congo, including daily patrols on Lake Tanganyika.

57. The ONUB force continued to support the disarmament and demobilization process and the dismantling of militias. It provided security, engineering and logistical support to humanitarian agencies in connection with the return of refugees

and displaced persons. ONUB transported over 1,500 refugees to various destinations as part of the return and resettlement process, transported some 400 tons of school materials to the provinces, and assisted with the implementation of a number of quick impact projects.

Police

58. The first basic skills training programme for the Burundi National Police with support from ONUB was completed in January involving 107 senior officers and 600 corporals. The second course for 150 senior officers and 600 corporals is under way. As requested by the Government, the ONUB police component began drawing down in December, with a view to reducing the number of officers from 120 to 15 by 31 March 2006. From November 2005 to January 2006, ONUB was able to maintain the provision of mentoring and advice on operational police matters, including investigations, patrols, report writing and supervision. It also provided support to the Burundi National Police in logistics planning, human resources, training and the development of legal frameworks. At the Government's request, since January, ONUB technical assistance to the Burundi National Police has focused exclusively on training activities in Bujumbura.

Other activities

59. ONUB continued its activities related to the monitoring and promotion of human rights, in coordination with national and international organizations, including the provision of human rights training for police recruits and commune officials. It assisted the Government in the development of an emergency programme to address sexual violence. ONUB provided technical support to the ongoing disarmament, demobilization, and reintegration programme and contributed to building mine action capacity. ONUB also completed several assessments on the resource needs of the 129 communes. These assessments were submitted to the Government, United Nations agencies, and donors for their information and follow-up.

60. Given the withdrawal of ONUB civil affairs staff, as requested by the Government, the closure of the five regional offices of ONUB is expected to be completed by the end of April. ONUB will however temporarily maintain, at the Government's request, human rights offices in Gitega, Ngozi, Makamba and Bujumbura until December 2006.

Code of conduct

61. ONUB continued to focus efforts on actively preventing all types of misconduct, in particular sexual exploitation and abuse among its staff, ensuring compliance with United Nations standards of conduct, and enforcing my "zero tolerance" policy on sexual exploitation, abuse and other undesirable behaviour by all United Nations personnel. During the reporting period, 17 allegations of misconduct implicating ONUB military personnel were received and forwarded to the Office of the Internal Oversight's Resident Investigator, in accordance with General Assembly resolution 59/287 of 4 October 2005.

B. Proposed second phase of withdrawal and residual tasks

62. As requested by the Security Council in its resolution 1650 (2005), ONUB conducted consultations with the Burundian authorities at the end of 2005 to determine the modalities for implementing the withdrawal of the Mission on the basis of the recommendations made by the Government in its letter to the President of the Security Council dated 23 November 2005 (S/2005/736). In January 2006, a technical team led by the Department of Peacekeeping Operations visited Burundi to assist ONUB in that regard. On the basis of those technical discussions with the Burundian authorities, and in accordance with the repeatedly expressed wish of the Government, ONUB submitted to the Government on 27 January proposals that envisaged the complete disengagement of the Mission by 31 December 2006. Accordingly, the liquidation of the Mission's assets in accordance with United Nations rules and regulations, and repatriation of all support staff would be completed by mid-2007. The joint ONUB-Government of Burundi Working Group was subsequently convened and approved those proposals with minor modifications on 15 February. In this regard, the Government requested that a joint evaluation of the situation and the drawdown of ONUB be carried out in May.

Drawdown of the military component

63. As requested by the Government, the disengagement of the remaining 3,536 ONUB troops, including 120 military observers from the provinces of Cibitoke, Bubanza, Bujumbura Rural and Bujumbura Mairie could be carried out between August and December. The full withdrawal of ONUB troops from Cibitoke (one battalion) would be completed by the end of September, from Bubanza (one battalion) in November and from Bujumbura Rural and Bujumbura Mairie in December.

64. During the intervening period, the ONUB military force would carry out its mandated tasks concerning the monitoring of Burundi's borders with the Democratic Republic of the Congo, including Lake Tanganyika, and the illicit cross-border movement of arms and personnel. However, as the drawdown proceeds, these responsibilities would be assumed progressively by the Burundian security forces. In order to better coordinate the activities of ONUB and the National Defence Force and to ensure an orderly and well-calibrated withdrawal, a coordination mechanism between ONUB and the National Defence Force was established at the force headquarters' level, with relevant information exchange taking place at the tactical level. The coordination mechanism will also allow ONUB and the National Defence Force to exchange information on border activities, to coordinate operational activities and to interact in emergency situations during curfew hours.

65. The protection of ONUB personnel, facilities and equipment would be undertaken by ONUB troops in the areas of their deployment, with support from the Government. Overall security responsibilities would revert to the Burundian security forces in each province once formal handover has taken place, including for the ONUB human rights offices remaining in Ngozi, Gitega, and Makamba until December 2006.

66. With regard to the logistical and engineering support for humanitarian operations of WFP and UNHCR, agreement was reached with the Government that ONUB would have limited and temporary military presences, as required, in the 13

eastern provinces to allow ONUB engineers and their support to assist, within existing resources, in the construction and expansion of transit sites, way stations and water points for returning refugees. ONUB would also assist with road improvements in support of critical humanitarian activities, and could provide land and aerial transportation support to WFP and UNHCR. An assessment is currently under way to establish the cost implications for those projects.

67. The ONUB drawdown plan takes into consideration the need to maintain sufficient capacity until the final stages of withdrawal in order to support the possible monitoring of a ceasefire and the disarmament and demobilization of FNL combatants, should a comprehensive ceasefire agreement be concluded between the Government of Burundi and FNL in 2006.

Training for the Burundi National Police

68. At the request of the Government, 15 ONUB police trainers would remain to assist with the development in the National Police of core policing skills, including leadership, specialized, and harmonization training. This will include courses and seminars in criminal investigation, public order policing, patrol procedures, human rights, sexual exploitation and gender-based violence, community policing, traffic management, border control, jail procedures, rapid reaction, communications and airport security. The training programmes are being complemented by some equipment provided by international donors and managed bilaterally or through UNDP. From April until the departure of all ONUB police trainers in December, this training will be conducted in Bujumbura.

Disarmament, demobilization and reintegration

69. It is proposed that, in cooperation with national and international partners, ONUB continue to provide throughout 2006 assistance to the ongoing disarmament and demobilization process. ONUB would provide technical assistance to the Government and implementing partners for: the conclusion of the disarmament and demobilization of National Defence Force personnel, the dismantling of militias, and taking the necessary legal, logistic and administrative measures to ensure the disarmament and repatriation of all combatants on foreign soil. ONUB would also provide technical assistance for the destruction of excess weapons and munitions from Government stocks and those that might be collected during the civilian disarmament process.

70. Pending the conclusion of a comprehensive ceasefire agreement between the Government and FNL, ONUB could, subject to a further request from the Government, assist in the design and implementation of disarmament procedures for FNL combatants.

Security sector reform

71. It is proposed that ONUB continue to assist the Government in the development of an overall framework for security sector reform and support the development of a road map for its implementation, to allow international partners to move in an integrated manner from ad hoc project assistance to systematic support for this key sector. ONUB would assist with the mobilization of resources for the implementation of short, medium and longer-term reforms in this sector, and to support the Government in strengthening partnerships in this area. In addition,

ONUB would assist UNDP in supporting the Government's efforts on civilian disarmament.

Human rights and transitional justice

72. Working in an integrated manner with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Burundi and with other partners, ONUB would maintain its assistance to the Government in the protection and promotion of human rights and capacity-building, in addition to the ongoing monitoring of the human rights situation. ONUB would provide support for the preparation of a national human rights action plan and the establishment of an independent human rights commission. It would provide training for officials and national institutions responsible for promoting and protecting human rights. In collaboration with OHCHR, ONUB could also assist the Government with the review of national laws relating to human rights in order to align them with international human rights instruments and agreements. In accordance with the Government's request for national capacity-building in this area, it is proposed that international human rights officers be reduced, which could be somewhat compensated by an increase in national officers.

73. For the establishment of a truth and reconciliation commission and a special chamber, it is proposed that ONUB, working in coordination with OHCHR, the United Nations Office of Legal Affairs and other partners, assist with the preparatory consultative and legal processes required for the establishment of those bodies and provide technical assistance to the Government on the design and installation of both mechanisms. The modalities of United Nations assistance will be determined with the Government during the mission referred to in paragraph 41. I intend to bring the outcome of these negotiations to the attention of the Security Council.

Mine action

74. ONUB will transfer to the Government all regulatory authority and coordination responsibility for mine action activities by 1 July 2006, provided that the Government passes the necessary legislation to assign responsibility for coordination of the humanitarian mine action process. To that end, the remaining activities of ONUB would include: the transfer of the Mine Action Coordination Centre to the Ministry of Interior and Public Security; provision of technical assistance to the Government and other partners for formulating an integrated multi-year mine action strategy and action plan, a national mine action standards plan and a policy on mine clearance; and provision of technical advice and training to enhance the operational capacities of national and international actors in this area. Additionally, ONUB would continue supporting the development of national capacity for mine clearance and ordnance disposal and would continue to undertake those activities in affected areas. Safety training on landmine and explosive remnants of war would also be provided to humanitarian actors. By 1 July, UNDP would assume all responsibility for United Nations mine action activities in Burundi, in particular assistance with technical advice and resource mobilization.

VII. Transfer of troops to the United Nations Organization Mission in the Democratic Republic of the Congo

75. In accordance with paragraphs 5 and 6 of Security Council resolution 1650 (2005), I intend to submit for the Council's approval a detailed proposal regarding the possible redeployment of one battalion and support unit from ONUB to MONUC. These troops, who are being withdrawn from Burundi as part of the first phase of drawdown, would be temporarily deployed in the Democratic Republic of the Congo to provide MONUC with a much needed surge capacity during and after the elections in the Democratic Republic of the Congo. The proposal, which is currently being finalized, will also outline the outcome of discussions with troop-contributing countries and concerned States and will provide an overview of tasks to be carried out as well as an initial estimation of the duration of this temporary redeployment. It will also set out the expected implications for both Missions.

VIII. Financial aspects

76. As indicated in paragraph 66 of my previous report, the General Assembly, by its resolution 59/15 B of 22 June 2005 appropriated the amount of $292.3 million for the maintenance of ONUB for the period from 1 July 2005 to 30 June 2006. Pending consideration by the Security Council of my proposals with regard to adjustments of the mandate of ONUB, I shall request the General Assembly during the second part of its sixtieth session to authorize me to enter into commitments to provide for the financing of the Operation for the period from 1 July to 31 October 2006 in the amount of some $80 million. Accordingly, the full budget for the period from 1 July 2006 to 30 June 2007 will be submitted to the Assembly during the main part of its sixty-first session. As at 31 December 2005, unpaid assessed contributions to the special account for ONUB amounted to $93.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,918.9 million. Reimbursement of troop and contingent-owned equipment costs has been made for the period up to 31 October 2005 and 30 September 2005, respectively, in accordance with the quarterly payment schedule.

IX. Observations

77. During the past seven months, the Government has focused its initial steps on enhancing longer-term prospects for the people of Burundi. It has put forward an ambitious legislative programme with an emphasis on enhancing security and combating corruption, supported by a budget focused on improving the delivery of social services and meeting basic human needs. The Government has also made efforts to respect constitutionally mandated ethnic and gender balances in senior Government appointments.

78. At the same time, the country faces a daunting interlinked combination of immediate and longer-term security, humanitarian, development and social challenges that will require urgent, substantial and sustained attention from the Government and its international partners. After more than a decade of devastating conflict, the security and economic situation in Burundi remains extremely fragile, requiring massive commitment of all involved. Urgent improvements are required in

the areas of good governance, transparency and accountability and respect for human rights, as well as the continuation of major economic, security and political reforms. In this regard, the interaction and active involvement of the region, bilateral partners and the United Nations will remain vital.

79. The most immediate task facing the Government is ending the 12-year conflict and restoring durable peace. The continued fighting with FNL poses a long-term threat to peace in Burundi and the region. It impedes economic development and causes enormous human suffering, both in humanitarian terms and in the increasing human rights abuses associated with it. Despite the commendable efforts of the Government of the United Republic of Tanzania to bring about a negotiated settlement, regrettably no progress has so far been achieved. In my view, a multifaceted approach is needed, combining various measures to resolve the long-standing FNL question. It is imperative that the FNL leadership declare without any further delay their unconditional intention to engage in good faith in negotiations with the legitimate Government of Burundi. I also trust that the Government will be able to take all possible steps towards reaching a negotiated solution with FNL that would allow for the armed group's demobilization and re-entry into civilian life.

80. In this context, it is hoped that the leaders of the Regional Peace Initiative for Burundi and the facilitation of the Burundi peace process will reinvigorate their support, in order to bring the peace process to a successful conclusion. The Government and people of Burundi should stand to benefit enormously from the continued close engagement of the Regional Initiative in addressing the enormous challenges that remain in restoring security and consolidating peace nationwide.

81. The effective maintenance of internal and external security by the Burundian security forces and their respect for human rights are essential prerequisites for achieving progress towards the socio-economic goals outlined by the Government. In this regard, there has been progress in restructuring the national security forces by integrating former belligerents. However, both the National Defence Force and the Burundi National Police face massive equipment and sustenance shortfalls in all areas, and the development and implementation of an effective, comprehensive security sector reform programme, supported by well-coordinated assistance from donor States is urgently needed. In the coming months, ONUB will be working closely with the Government and its international partners on this priority track and I would appeal to all concerned Member States to provide all possible assistance in this vital area, which will be essential for durable stability in the country.

82. The protection of human rights, judicial sector reform, and national reconciliation remain critical to the consolidation of peace. In this regard, I acknowledge the priority accorded by the Government to improving national capacity in the area of human rights and also moving forward on the establishment of the transitional justice mechanisms, with the assistance of ONUB and international partners. The Government is encouraged to initiate as soon as possible a thorough programme of judicial reform and I appeal to donors to provide the technical and financial support needed so that urgently needed progress could be made in this area.

83. Many years of devastating conflict, recurring drought and frequent displacements have driven two thirds of the population into extreme poverty and thousands are still facing serious food shortages. Burundi is in the extremely difficult situation of having severe land pressures and a predominantly rural, non-

diversified agricultural economy. Once conditions permit, hundreds of thousands of refugees are expected to return, imposing further serious strains on a fragile public sector and rural economy already struggling to cope with the significant challenges of effectively reintegrating former combatants and ensuring the delivery of basic services. The humanitarian and social crises in Burundi also remain acute.

84. Sustained progress in institutional and socio-economic transformation will be fundamental for eradicating the root causes of past conflict. Humanitarian assistance and development should be taken as concomitant, not sequential, imperatives. I am therefore very encouraged by the donors' positive response to the emergency programme announced by the Government on 28 February, and urge them to increase reconstruction and development assistance for effectively addressing the issues which could contribute to the recurrence of conflict in Burundi. It is also hoped that Burundi will be given early consideration by the Peacebuilding Commission. At the same time, it will be important for international donors and the Government to establish partnerships and additional reliable mechanisms that will ensure that priority is given to good governance issues, including the transparent management of public funds and natural resources. Such effective partnerships will serve to enhance Burundi's long-term sovereignty and ensure donor commitment.

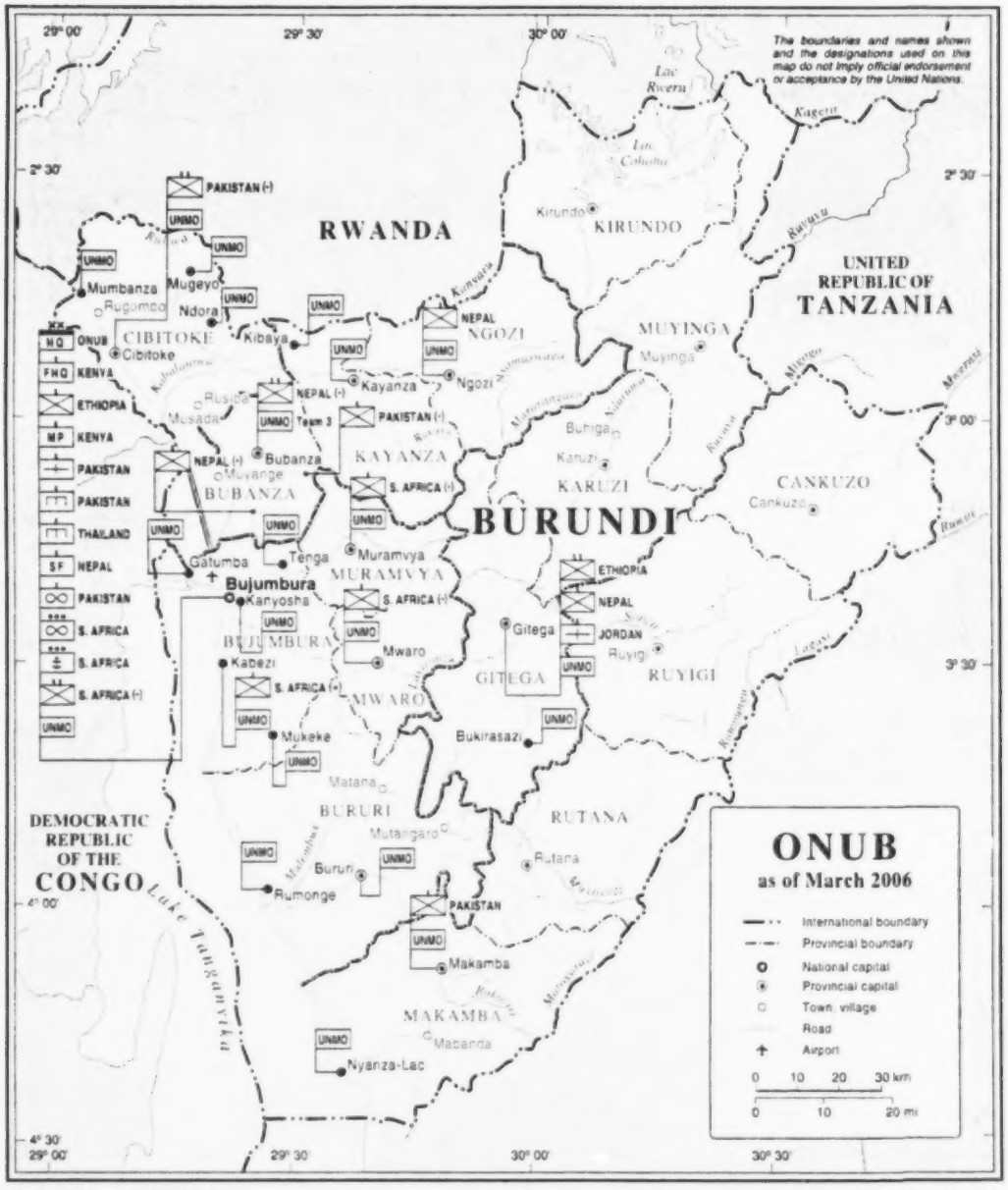
85. While significant strides towards building peace have been made, this lengthy and arduous process will remain fragile for some time in view of the complex and deep-seated origins of the conflict, the scope and scale of the changes mandated by the peace process, and the enormity of the challenges faced in all spheres. In the meantime, the principles guiding the peace process in Burundi need to be sustained by a continual process of consultation and consensus-building among the various political and ethnic groups in Burundi. In this regard, the representation of political parties and their inclusion in the decision-making process remains an area of concern.

86. It should be noted that the plan to withdraw ONUB from Burundi by 31 December 2006, as outlined in paragraphs 62 to 74 above, has been developed in consultation with the Government, following its specific and strong request for the early disengagement of the United Nations peacekeeping presence. Clearly, the initial tasks of ONUB have been completed, and priorities for support should now start shifting as the peace process moves forward. However, given the severity of the challenges facing the country, and the lessons learned by the United Nations in similar post-conflict situations, the serious risks involved should not be underestimated. In the absence of solid progress in addressing many of the root causes of conflict, the possibility of a relapse remains strong.

87. In that regard, and while collaborative planning on how to better structure the United Nations presence with the Government, the United Nations system, and international donors will continue on the assumption that ONUB will be totally withdrawn by 31 December 2006, it will be prudent to continue to monitor developments closely and assess the situation in the coming months, in consultation with the Government and major stakeholders. Should the situation at that time so require, the pace of the ONUB drawdown could be adjusted accordingly in full consultation with the Government.

88. In conclusion, I would like to express my sincere gratitude to my Special Representative, Carolyn McAskie, for her unwavering commitment to the cause of peace in Burundi, her significant contribution to the successful conclusion of the

transitional process, and the progressive return to peace in that country. I would also like to express my admiration for the women and men of ONUB, who continued to work for peace, often under difficult conditions. My appreciation also goes to all staff of the United Nations system, non-governmental organizations and the many bilateral and multilateral donors for their generous contributions to the peace process in the country.



Map No. 4222 Rev. 9 UNITED NATIONS
March 2006

Department of Peacekeeping Operations
Cartographic Section